MINUTES OF REGULAR MEETING SUGAR CITY COUNCIL THURSDAY, MAY 14, 2009

Presiding: Mayor Glenn W. Dalling Meeting Convened at 6:30 p.m.

Prayer: Bruce King Pledge of Allegiance

Present: Mayor Dalling; Marcie A. Smith, Treasurer; Councilmembers Bruce King, Brad Orme and Lamont Merrill; Jesse Brown, acting chairman of Planning & Zoning; Jeff White; Christina Matekul; Todd Tuckett; and Rebecca Jenson. Councilmember Harold Harris and City Clerk Sharon L. Bell were excused. In Sharon's absence, Treasurer Marcie A. Smith took minutes.

The Mayor asked if there were any corrections to the minutes of the regular meeting held on April 23, 2009. Each councilmember had a copy of said minutes prior to the meeting. It was moved by Councilmember Orme and seconded by Councilmember Merrill to accept said minutes; motion carried.

Marcie presented the April reconciliation reports for the General Fund. It was moved by Councilmember Merrill and seconded by Councilmember King to accept the April reconciliation reports for the General Fund; motion carried. The April reconciliation reports for the Utility Fund were unavailable and will be presented at the next council meeting.

Marcie presented the current bills in the amount of \$55,525.14. It was moved by Councilmember King and seconded by Councilmember Merrill to pay the current bills, together with all regular May bills that have not yet been received; motion carried.

<u>PLANNING & ZONING REPORT</u>: In the absence of P&Z Chair Brian Hawkes, Commissioner Jesse Brown addressed the council.

Report on public meeting for zoning: Jesse reported that P&Z had a public meeting about the proposed zoning map. There was a lot of good input and they will not have to go back to square one, but they will go back and review the map again. The future plan is definitely not today's map. Mr. Brown said he owns property and needs to be careful not to get involved when his property is involved. The public comment was that P&Z is trying to turn the land use map into a zoning map. The zoning map is how things actually are and the land use map is where we want to go in the future. P&Z needs to watch for these distinctions, especially along Center Street. Right now, some of the land on Center Street is commercial and some is residential. Councilmember King said we need to make sure our existing zoning map is current before we rezone the city. The mayor wondered if the city could have the same descriptions on our maps that Rexburg uses on theirs. The consulting company hired last year brought up that issue but no action was taken on it. Bruce said he thought we decided that many of the Rexburg land-use classifications did not fit our needs. We went from two to three residential zones and had public

hearings before approving them. A discussion was had on waiting for the landowner to request a zone change rather than just changing the zone now. Discussion was also had on zoning all Center Street property commercial even though there are residential uses on it.

TODD M. TUCKETT, P.E. (KELLER ASSOCIATES) - 1000 East (7TH West) Bridge:

Concept proposal: Mr. Tuckett said the concept proposal needs to be approved and sent to the Local Highway Technical Assistance Council (LHTAC), which administers federal aid used for local government projects. He requests that the city sign the concept proposal, so Keller can send it to LHTAC with Sugar City added as the bridge owner. Signing this proposal does not obligate the city to bear any construction expense. The mayor confirmed that, according to Attorney Forsberg, signing does not commit the city to anything. Keller is designing a 45-foot wide bridge, which is the concept without a bike path. LHTAC has to approve the proposal or recommend changes to it.

MOTION: It was moved by Councilmember Orme and seconded by Councilmember King to authorize the mayor to sign the concept proposal, subject to Attorney Forsberg's final approval; motion carried.

Flood Plain Permit: Sugar City does not have a flood plain permit, but Madison County does. Mr. Tuckett read from the cover letter of the permit as follows: "Keller Associates performed a Hydraulics Report for the captioned project using data from the 1991 FEMA floodplain study and previously done Hydraulics Report for the bridges on U.S. 20 just east of this project. From our report, the new bridge structure will be designed such that there is two feet of 'freeboard' for a 50-year flood event and also pass a 100-year flood event. This will allow the floodplain elevation to be 'not affected' by the new bridge structure for the stated flood events." Discussion was had on where the flood plain is and if Sugar City is in the flood zone. The permit stated that the engineering has been done and that the bridge will not affect anything if the river floods. It was decided to have Attorney Forsberg look over the flood plain permit. Mr. Tuckett said he needs it by Monday, May 18, at 11 a.m.

MOTION: It was moved by Councilmember King and seconded by Councilmember Merrill to authorize Mayor Dalling to sign the flood plain permit, subject to Attorney Forsberg's approval. The mayor said he would meet with Mr. Tuckett at 9 a.m. Monday morning to pick up the signed document.

<u>DARIN LARSON – CITY PROPERTY:</u> The mayor reported that he received a call from Mr. Larson, who owns the property between 3rd North and the railroad. His group wants to buy half of the Business Park and the grain silo property. His wife is Bob Worrell's daughter. They didn't want to show up tonight until they have the private money. It was decided not to discuss "possibilities" until a firm offer materializes.

<u>CITY WATER PROPOSAL FROM FORSGREN ASSOCIATES</u>: The mayor gave the council time to read a proposed letter written by Forsgren Associates to Old Farm Estates regarding the water system evaluation and water right application. A discussion was had on a statement on page 2 toward the end of the 3rd paragraph, which reads: "...the city will bear that portion of the cost and will be subsequently reimbursed from future development." The council asked that Attorney Forsberg review that statement.

MOTION: It was moved by Councilmember Merrill and seconded by Councilmember Orme to authorize Mayor Dalling to send the proposed water right application letter to the developers; motion carried.

BIKE PATH: The mayor said Sugar City, Rexburg and Madison County removed the light posts component of the bike path project to stay within budget. The sponsors tried to get other bids for lights. Rexburg Engineer John Millar told the mayor he could work with Utah Power and Light to get a better deal. That's where the matter sits. The mayor sent a letter to the Idaho Transportation Department stating that the bike path is complete. Councilmember King asked that Sharon send him a copy of the letter.

PROPERTY MANAGEMENT AGREEMENT WITH MADISON ECONOMIC

<u>PARTNERS (Business Park)</u>: Discussion was had on the property management agreement with Madison Economic Partners concerning the Business Park. The mayor reported that the Development Company, the county commissioners and the city determined to offer Madison Economic Partners 6% instead of the requested 8% for their commission.

MOTION: It was moved by Councilmember King and seconded by Councilmember Orme to approve the revised property management agreement, dated May 14, 2009, between Sugar City and Madison Economic Partners on the Sugar City Business Park; motion carried.

DEPARTMENT REPORTS:

COUNCILMEMBER ORME: Brad discussed three items:

Park regulations: Is there an ordinance limiting how late a person can be in city parks or on city tennis courts? Yes (title 4-3-2), curfew is between 11:00 p.m. and 5:00 a.m. Sunday through Thursday and between 12:30 and 5:00 a.m. Friday and Saturday (actually Saturday and Sunday morning).

Sign-up sheets or signs up at parks for reservations: Brad has heard complaints from two parents about residents of Rexburg using Sugar City parks, when these Sugar City parents wanted to play a game with their families on the spur-of-the-moment. One parent says a Rexburg maintenance crew member kicked him off the field one day while playing with his kids so that the Rexburg crew could work on the park. In answer to Brad's question about the maintenance of the infields, either the City of Rexburg or Sugar-Salem School District prepares the fields in conjunction with their use of them.

Trees growing out into city's right-of-way: By Brad's home is a large tree with leaves that clog nearby city storm drains. Many other trees are close to the street and drop leaves/branches all over the streets. Leaves/branches of other trees obscure traffic signs. We are supposed to have a 9-foot easement from the edge of the street into private property. Brad wants to know if we can hire professionals to remove offending trees. It would cost about \$1,000 to cut some of the trees down, and he would like to have it come out of the street budget. If we take down or trim a few trees each year, we can stay current with the needed tree maintenance. The mayor asked Brad to discuss this recommendation with Councilmember Harris. Bruce suggested we add the issue to the agenda in two weeks when Harold will be present.

The mayor asked Brad to look into getting the park signs replaced and upgraded this summer. The mayor reminded him that the information on the Smith Park sign is incorrect.

COUNCILMEMBER KING:

Query on putting whole or large portion of yard in rock or concrete: Bruce said a resident asked him if city ordinances limit how much of a yard a homeowner can place in rock or concrete in lieu of grass or other traditional ground cover. The mayor said Sugar City ordinances do not limit the type of ground cover in yards.

COUNCILMEMBER MERRILL:

LEPC meeting: At the last meeting, they discussed the swine flu, which so far is a fairly mild form of illness. Lamont reported that the county bought a medical trailer for use in emergencies whenever needed. It has six beds and can go to fires or wherever it is required. The county plans to have two of these trailers, which will be registered with the national disaster force for local and regional use.

MAYOR'S BUSINESS:

The mayor reported that there was a company employed by the county to conduct a hazard mitigation study, but he could not remember the company's name. The name is "Whisper Mountain."

The mayor informed Lamont that the city will pay the registration fee and the cost of transportation to and from the water seminar on May 20.

Meeting adjourned at 8:30 p.m.	
Signed:	Attested:
Glenn W. Dalling, Mayor	Sharon L. Bell, Clerk